against picketing, was not calling upon the court to decide that labor was a commodity or that the defendant union was a combination in restraint of trade. The principal case dismisses consideration of Section 6 with the statement that it did not apply to the facts. However, in *Lamar* v. *U. S.*, 260 Fed. 561, it was held that this section does not prevent a criminal prosecution under the Sherman Act, for a conspiracy to restrain foreign trade by inducing or causing strikes, on the grounds that the act did not permit lawful organizations to be used for improper purposes. In *Duplex Co.* v. *Deering, supra,* the point was directly raised in the United States Supreme Court. This was a case of secondary boycott, which the court recognized as coming within the rule of *Loewe* v. *Lawlor,* 208 U. S. 274 (holding that labor organizations, while not unlawful *per se,* may be unlawful if they act in restraint of interstate commerce, contrary to the provisions of the anti-trust laws), unless the Clayton Act should forbid. In interpreting Section 6, the court arrived at the same conclusion as Mr. Kales, saying: "There is nothing in Section 6 to exempt such an organization [*i. e.,* a *normal* labor organization] or its members from accountability where it or they depart from its normal and legitimate objects and engage in an actual combination or conspiracy in restraint of trade." The result of the decisions is that the Clayton Act has neither added to nor detracted from the law of equitable relief from the legally unjustifiable acts of labor organizations.

LAW OF NATIONS—RECOGNITION—VALIDITY ABROAD OF ACTS OF AN UNRECOGNIZED GOVERNMENT.—The plaintiff was a Russian company which had been engaged in the manufacture in Russia of veneer or plywood. The Soviet government confiscated its mill and manufactured stock. Subsequently the Soviet government sent to Great Britain a commercial delegation under the headship of L. B. Krassin. Krassin sold a part of the confiscated veneer to defendants. When the veneer arrived it was claimed by the plaintiff company. Plaintiff's right depended upon the validity of the Soviet decree of confiscation. The validity of the decree in a British court, depended upon the recognition which Great Britain had given the Soviet Government. Communications from the Foreign Office were admirably calculated to mystify. Defendants' solicitors were informed that "His Majesty's Government assent to the claim of the Delegation to represent in this country a State Government of Russia." To an inquiry from the plaintiff's solicitors, on the other hand, the Foreign Office replied as follows: "I am to inform you that for a certain limited purpose His Majesty's Government has regarded M. Krassin as exempt from the process of the Courts, and also for the like limited purpose His Majesty's Government has assented to the claim that that which M. Krassin represents in this Country is a State Government of Russia, but that beyond these propositions the Foreign Office has not gone, nor, moreover, do these expressions of opinion purport to decide difficult and, it may be, very special questions of law upon which it may become necessary for the courts to pronounce. I am to add that His Majesty's Government have never officially recognized the Soviet Government in any way." Roche, J., held that the Soviet Government had not been recognized, and gave judg-

ment for the plaintiff. [1921] 1 K. B. 456. The defendants appealed. Thereafter the British Government concluded a trade agreement with the Soviet Government and the British Foreign Office announced that the Soviet Republic was recognized as the *de facto* Government of Russia. The Court of Appeal approved of Justice Roche's decision as based upon the evidence then presented, but unanimously reversed the decision and non-suited the plaintiff because of the recognition which had been extended meanwhile to the Soviet Republic. *Luther* v. *Sagor & Company,* 37 T. L. R. 777, 65 S. J. 604.

The case is an interesting illustration of the utter dependence of the courts upon the political departments of government in all matters pertaining to the recognition of foreign states or governments. The question is discussed in 18 MICH. L. REV. 531.

MARRIAGE—VALIDITY OF COMMON LAW MARRIAGE.—A statute provided that marriages should be celebrated only by certain persons, and that any unauthorized person solemnizing a marriage should be fined and "such marriage shall be void, unless it be in other respects lawful and be consummated with the full belief by either of the parties in its validity." Plaintiff and decedent had agreed to take each other as man and wife, and had cohabited as such. Plaintiff contended there was a good common law marriage, as the statute did not expressly make such a marriage void. *Held,* that the marriage was invalid. The history and legislation of the colonists prior to the adoption of the common law indicates that a non-ceremonial marriage was not thought to be suitable to our institutions, and hence the common law rule respecting marriages was never adopted by us. *Wilmington Trust Co.* v. *Hendrixson* (Del., 1921), 114 Atl. 215.

The majority of American courts hold that a non-ceremonial marriage, being good at common law, is still valid, unless its validity is expressly nullified by statute. *Meister* v. *Moore,* 96 U. S. 76; *Hulett* v. *Carey,* 66 Minn. 327; *Heymann* v. *Heymann,* 218 Ill. 636. It has been held in England by the House of Lords that a non-ceremonial marriage did not constitute a full marriage at common law, but only gave either party the right to compel solemnization by application to the ecclesiastical courts. *Regina* v. *Millis* (1844), 10 Clark & F. 534. This decision by the House of Lords came after many American courts had recognized that a non-ceremonial marriage was good at common law. Hence, in many American jurisdictions we have adopted as the common law what the House of Lords has declared was not the common law. Several American courts have, however, since that decision, held that a non-ceremonial marriage is valid, because at the time the common law was adopted in this country such a marriage was considered to be good. *Dyer* v. *Brannock,* 66 Mo. 391; *Carmichael* v. *State,* 12 O. St. 553. The Missouri court in *Dyer* v. *Brannock, supra,* stated that the common law adopted in this country was the common law as expounded by Sir William Blackstone and Chancellor Kent, and not the common law as expounded by the House of Lords. In *Denison* v. *Denison,* 35 Md. 361, the court followed the English rule, and held that as we have no tribunal, as in England, clothed with the power to enforce the solemnization of marriages